

AMENDED IN ASSEMBLY APRIL 12, 2010

AMENDED IN ASSEMBLY MARCH 9, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1951**

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**Introduced by Assembly Member Ammiano**

February 17, 2010

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An act to ~~add Section 23106 to amend Sections 21070 and 42001.19~~ of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, Ammiano. Vehicles: ~~misdemeanor: collision: pedestrian and bicyclist: traffic offenses: punishment.~~

(1) ~~Under existing law, a person who operates a vehicle in willful or wanton disregard for the safety of persons or property is guilty of a misdemeanor. Existing law specifies punishment for a person found guilty of this offense.~~

~~This bill would provide that a person operating a motor vehicle in a grossly negligent manner resulting in a collision of the motor vehicle with a pedestrian or bicyclist is guilty of a misdemeanor. The bill would specify the punishment for a person convicted of violating this provision and would require the accused to be present in all court proceedings related to the prosecution of the violation.~~

*(1) Existing law provides that a driver who violates specified offenses of the rules of the road that are punishable as an infraction, and as a result of that violation proximately causes bodily injury or great bodily injury to another person is guilty of the public offense of unsafe operation of a motor vehicle with bodily injury or great bodily injury. Existing law provides that a person who is convicted under these*

*provisions is punishable for a violation involving bodily injury by a fine of \$70 and for a violation involving great bodily injury by a fine of \$95.*

*This bill would make such an offense punishable as either an infraction or a misdemeanor and for a violation involving bodily injury or great bodily injury, by imprisonment in a county jail for not less than 5 days and not more than 90 days, or by a fine of not less than \$145 and not more than \$1,000, or by both a fine and imprisonment.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21070 of the Vehicle Code is amended to  
2     read:

3     21070. Notwithstanding any other ~~provision of~~ law, a driver  
4     who violates any provision of this division; that is punishable as  
5     an infraction, and as a result of that violation proximately causes  
6     bodily injury or great bodily injury, as defined in Section 12022.7  
7     of the Penal Code, to another person is guilty of the public offense  
8     of unsafe operation of a motor vehicle with bodily injury or great  
9     bodily injury. That violation is punishable as *either* an infraction  
10    or a misdemeanor pursuant to Section 42001.19.

11    SEC. 2. Section 42001.19 of the Vehicle Code is amended to  
12    read:

13    42001.19. Notwithstanding any other ~~provision of~~ law, a person  
14    convicted of a violation of Section 21070 ~~is punishable, as follows:~~  
15    *shall be punished for a violation involving bodily injury or great*  
16    *bodily injury by imprisonment in a county jail for not less than*  
17    *five days and not more than 90 days, or by a fine of not less than*  
18    *one hundred forty-five dollars (\$145) and not more than one*  
19    *thousand dollars (\$1,000), or by both that fine and imprisonment.*

20    ~~(a) For a violation involving bodily injury, by a fine of seventy~~  
21    ~~dollars (\$70).~~

1     ~~(b) For a violation involving great bodily injury, as defined in~~  
2     ~~Section 12022.7 of the Penal Code, by a fine of ninety-five dollars~~  
3     ~~(\$95).~~

4     ~~SECTION 1. Section 23106 is added to the Vehicle Code, to~~  
5     ~~read:~~

6     ~~23106. (a) A person operating a motor vehicle upon a highway~~  
7     ~~in a grossly negligent manner resulting in a collision of the motor~~  
8     ~~vehicle with a pedestrian or bicyclist causing an injury to the~~  
9     ~~pedestrian or bicyclist is guilty of a misdemeanor.~~

10    ~~(b) A person convicted of violating subdivision (a) shall be~~  
11    ~~punished by a fine of not more than one thousand dollars (\$1,000)~~  
12    ~~and shall be required to complete a course of instruction at a~~  
13    ~~licensed traffic violator school.~~

14    ~~(c) A person accused of violating subdivision (a) shall be present~~  
15    ~~in all court proceedings related to the prosecution of the violation.~~

16    ~~SEC. 2.~~

17    ~~SEC. 3. No reimbursement is required by this act pursuant to~~  
18    ~~Section 6 of Article XIII B of the California Constitution because~~  
19    ~~the only costs that may be incurred by a local agency or school~~  
20    ~~district will be incurred because this act creates a new crime or~~  
21    ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
22    ~~for a crime or infraction, within the meaning of Section 17556 of~~  
23    ~~the Government Code, or changes the definition of a crime within~~  
24    ~~the meaning of Section 6 of Article XIII B of the California~~  
25    ~~Constitution.~~